

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11897-WGY

MASSAMONT INSURANCE
AGENCY, INC.,

Plaintiff,

UTICA MUTUAL
INSURANCE COMPANY,

Defendant.

AFFIDAVIT IN PROOF OF SERVICE

Pursuant to Fed. R. Civ. P. 4(*l*), I, John J. Davis, hereby depose and swear as follows;

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts and in the United States District Court for the District of Massachusetts. I represent the plaintiff in the above-referenced matter, Massamont Insurance Agency, Inc.

2. On or about October 5, 2005, Attorney Russell F. Conn, counsel for the defendant, Utica Mutual Insurance Company, agreed to accept service of process on behalf of his client. By letter dated October 6, 2005, I sent to Attorney Conn by hand-delivery a copy of the Complaint, as well as the original Summons issued by the Court.

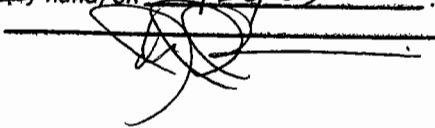
3. By correspondence dated October 13, 2005, Attorney Conn returned the original Summons to me after duly executing the "Return of Service" as counsel for the defendant. A true and accurate copy of the Summons, indicating Attorney Conn's acceptance of service on October 13, 2005, is attached hereto as Exhibit "A."

Signed under the pains and penalties of perjury this 20th day of October, 2005.



John J. Davis, BBO #115890
PIERCE, DAVIS & PERRITANO, LLP
10 Winthrop Square
Boston, MA 02110
(617) 350-0950

I hereby certify that a true copy of the
above document was served upon (each
party appearing pro se and) the attorney
of record for each (other) party by mail
(by hand) on 10/20/05



AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Eastern Division

District of

Massachusetts

SUMMONS IN A CIVIL ACTION

V.

05 - 11897 WGY

CASE NUMBER:

TO: (Name and address of Defendant)

Utica Mutual Insurance Company
180 Genesee Street
New Hartford, NY 13413

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John J. Davis, Esq.
PIERCE, DAVIS & PERRITANO, LLP
10 Winthrop Square
Boston, MA 02110

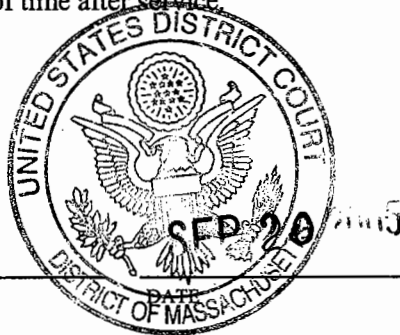
an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON


CLERK

S. Thornton

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE October 13, 2005	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input checked="" type="checkbox"/> Other (specify): I, Russell F. Conn, as counsel, hereby accept service on behalf of the defendant, Utica Mutual Insurance Company.*</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server</p> <p>*  Russell F. Conn (BBO# 094440) Conn Kavanaugh Rosenthal Peisch & Ford, LLP Ten Post Office Square Boston, MA 02109 617-482-8200</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.